IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No.3900 of 2006

Jatinkumar D Patel . . Petitioner.
Vs
State of Maharashtra & Ors. . Respondents

Smt A.V. Latne for the petitioner.

Mr. R.D. Rane, Government Pleader, for respondent Nos. 1 to 3.

CORAM: V.G.PALSHIKAR,Acg C.J. ,
& V.M.KANADE, J.

DATE: AUGUST 14, 2006.

P.C.:-

1. By this petition, the petitioner has questioned the oder passed by the Caste Scrutiny Committee invalidating the caste certificate of the petitioner.
2. The examination of the impugned order discloses that the order is legal and proper and no interference is called for. It is liable to be confirmed.
3. However, the petitioner has already been taking education in respondent No. 4 college. As a consequence of the certificate being invalidated, it is possible that the petitioner will lose the admission secured on the basis of this certificate. Even if the petitioner loses the admission it cannot be granted

to any one else. The result being one seat in medical education would go waste. In our opinion, such waste can be avoided by accepting the undertaking given by the petitioner where he undertakes not to seek any benefit under the invalidated certificate for any other purposes. The invalidation of the certificate is thus accepted by the petitioner. In such circumstances, we direct that the petitioner's present admission to respondent No.4 college be not disturbed only on the ground of invalidation of the caste certificate.

Petition accordingly disposed of.